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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I report at regular intervals on the implementation of its mandate. The report covers developments and UNMIK activities from 16 April to 15 July 2016.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and the region. In furtherance of its goals, UNMIK continues its constructive engagement with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission (EULEX) continues its presence in Kosovo in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes work closely with the Mission in furtherance of the "Delivering as one" initiative.

II. Key political developments

3. Political conditions in Kosovo have improved somewhat, accompanied by a significant decrease in the pattern of protests, aggressive actions and disruptive tactics by various parties highlighted in my last two reports. However, tensions remain.

4. On 7 June, the opposition party Vetëvendosje ("Self-determination") resumed its participation in plenary and committee meetings of the Assembly of Kosovo, ending a boycott it began in October 2015, although it reiterated its intention to oppose the agreements on territorial delineation with Montenegro and on the Association/Community of Serb majority municipalities in Kosovo. On the other hand, the other opposition parties, the Initiative for Kosovo and the Alliance for the Future of Kosovo, indicated that they would continue to boycott Assembly proceedings, and renewed their call for early elections. On 14 May, they held a peaceful anti-government protest gathering an estimated 3,000 people, without the participation of Vetëvendosje.

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5. Following the election of Hashim Thaçi as President of Kosovo, appointments to several key leadership positions were made. On 7 May, during the convention of the Democratic Party of Kosovo (PDK), Kadri Veseli, the President of the Assembly, was elected to head the party. Following some delays, the Prime Minister, Isa Mustafa, and Kadri Veseli announced on 2 June the appointment of Enver Hoxhaj as Minister for Foreign Affairs and of Hajredin Kuçi as Principal Deputy Prime Minister. On 11 July, PDK nominated one of its members, Dhurata Sadiku-Hoxha, as a candidate for the position of Minister of Justice. The Prime Minister subsequently confirmed her in that position.

6. On 24 April, parliamentary elections were held in Serbia. As in 2014, OSCE facilitated the collection of votes in Serb majority areas in Kosovo through 21 polling centres. The elections were conducted in Kosovo without major incidents. The voter turnout in Kosovo stood at 43.03 per cent, 10 points higher than for the general elections of March 2014 but lower than the Serbia-wide average of 56.07 per cent.

7. The Prime Minister of Serbia, Aleksandar Vučić, led the Serbian Progressive Party (SNS) list and won with a comfortable margin. Kosovo was a key issue in the pre-election campaign, which was apparent in the increased number of visits of senior Belgrade officials to municipalities in northern Kosovo. SNS won 67.09 per cent of the vote in Kosovo, marking an improvement compared to the elections of March 2014, when the party obtained 51.32 per cent of the vote in Kosovo. Its performance in Kosovo also goes well beyond its Serbia-wide total of 48.23 per cent.

8. On 4 May, the European Commission positively assessed Kosovo's fulfilment of requirements to advance its visa liberalization application and proposed that the Council of the European Union and the European Parliament lift the visa requirements for the people of Kosovo, on the understanding that, by the day of adoption of that proposal, Kosovo would have ratified the agreement on territorial delineation with Montenegro and strengthened its track record in the fight against organized crime and corruption.

9. At the Western Balkans Summit held in Paris on 4 July, Europe's leaders reaffirmed their commitment to advance the European perspectives of the Western Balkans, providing reassurances that the decision of the United Kingdom of Great Britain and Northern Ireland to leave the European Union would not adversely affect progress on the region's European path.

III. Security

10. The Kosovo Force continued to implement its mandate under Security Council resolution 1244 (1999). Its operational strength remained unchanged at 4,600, with 31 countries contributing personnel.

11. Eighty-six security incidents affecting members of minority communities were reported during the period under review; most of the victims were reported to be Kosovo Serbs.

12. On 24 April, unknown persons fired shots at the house of a candidate for the Parliament of Serbia and former mayor of Zubin Potok. On 26 May, in the ethnically mixed neighbourhood of Brdjani/Kroi i Vitakut, a fight erupted between a Kosovo Serb and a Kosovo Albanian over a parking space. In response, on 27 May, approximately 50 Kosovo Serb taxi drivers staged a peaceful demonstration in the

neighbourhood. On 1 June, the Kosovo police apprehended a group of Kosovo Albanians in South Mitrovica for vandalizing several official vehicles. The mayor publicly claimed that the alleged perpetrators were Kosovo Liberation Army veterans whose contracts as municipal security guards had not been renewed. On 11 June, in the early morning, a shooting occurred in Zvečan/Zveçan in front of a popular bar, injuring two young people, one of whom subsequently died. On 12 June in North Mitrovica, unknown persons threw a hand grenade at a Kosovo police patrol, injuring one police officer and damaging a service vehicle and six private vehicles. On 28 June in Lisicë/Lisica, unknown individuals threw two Molotov cocktails at a police-escorted convoy of persons celebrating the Serbian Orthodox holiday of Vidovdan (Saint Vitus' Day), but there were no injuries or damage. On the same day in Mitrovica, unknown individuals pelted stones at a minibus, injuring two passengers.

IV. Northern Kosovo

13. In June, a survey on attitudes among residents in northern Kosovo was conducted by a local non-governmental organization, Aktiv, which indicated popular dissatisfaction with the political, economic and security situation, both locally and Kosovo-wide. A high level of distrust in political institutions and procedures persists, including dissatisfaction with the ongoing normalization dialogue and the role of the European Union. A Eurosceptic trend is reported among young and educated people. One in three respondents foresaw a decline in living standards for Serbs in Kosovo. Many were reported to be considering leaving northern Kosovo.

14. On 18 and 19 April, both the defendant and the EULEX prosecutor assigned to the case of *Oliver Ivanović et al.* filed appeals against the verdict of the Mitrovica Basic Court, announced on 21 January, according to which Ivanović was sentenced to nine years' imprisonment for "war crimes against the civilian population" in relation to events of 1999. Ivanović's defence team had requested that the Appeals Chamber be composed solely of EULEX judges. The Kosovo Judicial Council, under legislation applicable to the implementation of the EULEX mandate, could assign a majority of EULEX judges if requested by EULEX. No specific deadline is foreseen for the Appeals Court to deliver its judgment.

15. On 19 May, the Prime Minister of Kosovo and the Ministers of Finance and Local Government Administration met with the mayors of the four northern municipalities to discuss the implementation of and adjustments to the 2016 municipal budgets. Municipal assembly sessions were held in Zvečan/Zveçan and Zubin Potok to endorse the proposed budgetary amendments. However, the municipal assembly of Leposavić/Leposaviq rejected the mayor's proposal to rebalance the budget, accusing the mayor of a lack of transparency. This issue is unresolved and ongoing.

16. Early in June, the northern municipalities received a circular for the 2017 budget issued by the Kosovo Ministry of Finance. As in previous budget exercises, the municipal authorities expressed dissatisfaction with the proposals, claiming that the budget envelope failed to meet the needs of the residents. The central problem concerned disputed population figures on which the budgetary proposals were based. It can be recalled that the refusal of Kosovo Serbs to participate in the 2011 Kosovo census accounts for the lack of a credible baseline. On 6 June, however, the

mayors of all Serb-majority municipalities issued a joint communiqué stating that the political, legal, social and security conditions were not in place for a census.

V. Normalization of relations between Belgrade and Pristina

17. The practical implementation of agreements reached under the European Union-facilitated dialogue process between Belgrade and Pristina has not moved forward significantly. Although no high-level meetings were held, there were four meetings at the technical level. The tense political situation and opposition protests in Kosovo have affected Pristina's engagement, while parliamentary elections and the government formation process in Serbia have impacted Belgrade's attention. Nonetheless, during meetings with the Assistant Secretary-General for Peacekeeping Operations, El Ghassim Wane, and my Special Representative early in June, the President of Serbia, Tomislav Nikolić, Prime Minister Aleksandar Vučić and Foreign Minister Ivica Dačić underscored Belgrade's commitment to engage, while the Prime Minister of Kosovo reiterated Pristina's commitment to the dialogue.

18. Both Pristina and Belgrade continued to accuse each other for the lack of progress. Specifically, Pristina indicated that Belgrade had blocked the implementation of agreements on energy, telecommunications and the opening of the Mitrovica bridge. In turn, Belgrade highlighted the stalled implementation of a core provision of the First Agreement on Principles Governing the Normalization of Relations, of 19 April 2013, namely the establishment of the Association/ Community of Serb majority municipalities, and expressed concern that Kosovo's efforts to secure membership of international organizations have had a detrimental effect on the positive atmosphere of the dialogue.

19. On 5 May, the High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission, Federica Mogherini, addressed the Assembly of Kosovo in the presence of all political parties, and called for the establishment of the Association/Community of Serb majority municipalities as agreed between Pristina and Belgrade, noting that this would "fortify and enrich Kosovo" while underlining that it would not constitute a parallel government within Kosovo or adopt its own laws.

20. Some progress has been made in the integration of judges, prosecutors and support staff from the Serbian judicial system into the Kosovo system, pursuant to the agreement between Belgrade and Pristina on the integration of judicial authorities. The Kosovo Judicial and Prosecutorial Councils announced the second batch of vacancies, including 14 positions for judges and 6 positions for prosecutors, along with 149 positions for support staff. Conversely, 34 judges and 9 prosecutors who were selected in June and July 2015 are still awaiting their appointment.

VI. Returns, reconciliation and cultural heritage

21. As at the end of June 2016, the Office of the United Nations High Commissioner for Refugees (UNHCR) recorded a year-to-date total of 189 voluntary returns to Kosovo, including 105 Kosovo Serbs and 53 Kosovo Roma, Ashkali and Egyptians. The total number of voluntary returns by members of non-majority communities since 2000 stood at 25,685.

22. UNHCR estimates that, at the end of June 2016, the total number of internally displaced persons living in Kosovo stood at 16,714; of these, 477 reside in 29 collective centres. The total number of internally displaced persons fell by 61 compared to the previous quarter.

23. The absence of a census of displaced populations obscures the precise dimensions of the situation with regard to internally displaced persons in Kosovo. This leaves some internally displaced persons unaccounted for and excluded from effective human rights protection and development plans. In 2016, the Ministry for Communities and Returns allocated funds for the implementation of the profiling survey of internally displaced persons in Kosovo. The project is co-funded by UNHCR and will be implemented in September by the Danish Refugee Council.

24. In May, Kosovo authorities endorsed a concept document on the regulation of displaced persons and durable solutions, requiring the establishment of a legal foundation to ensure accountability of the authorities and to define clear and harmonized institutional mechanisms for a comprehensive assistance package that would support the return process and make it possible to assist a larger number of returnees.

25. Belgrade announced its intention to proceed with the plan to build a new settlement for sustainable returns, the "Sunny Valley" project (Sunčana dolina) in Zvečan/Zveçan municipality, as a pilot project for sustainable returns of approximately 300 internally displaced families. Pristina's stated position was that the project could be implemented provided it abided by the Kosovo Constitution and the Law on Local Self-Government. The initiative had attracted fierce criticism from the Kosovo political opposition and some public media, citing fears of "colonization".

26. On 20 May, the Kosovo Constitutional Court ruled in favour of the Visoki Dečani Monastery in the longstanding ownership dispute regarding land in the vicinity of the Serbian Orthodox monastery. The municipal authorities, residents and civil society in the Deçan/Dečani municipality denounced the verdict. Protests were held on 26 May and on 16 June, and municipal officials worked only half days from 31 May to 3 June. The mayor stated that the municipality would not implement the Court's decision, while the municipal assembly started identifying measures to contest it. Furthermore, the Kosovo League of Historians, on 20 June, stated its intention to file a lawsuit against the Constitutional Court's President and two other judges who had voted in favour of the ruling. In reaction, the Kosovo Minister of Local Government Administration, Ljubomir Marić, indicated on 24 May that the Court's decision about property rights should not be interpreted along ethnic lines and was a demonstration of functioning rule of law in Kosovo. Similarly, President Thaçi indicated that Kosovo should stand by the decisions of its judicial authorities.

27. A number of incidents affecting religious and cultural sites were recorded. On 24 April in Leposavić/Leposaviq, unknown persons damaged seven monuments of the Orthodox cemetery at Zemanica. On 27 May in Hoçë e Madhe/Velika Hoča (Rahovec/Orahovac municipality), a memorial plaque for two Serbian journalists who went missing in August 1998 was removed. On 7 June in Sočanica/Soqanicë (Leposavić/Leposaviq municipality), funds were stolen from the Orthodox Monastery of St. Jovan.

28. The main Mitrovica bridge did not reopen to vehicular traffic by the end of June as foreseen. European Union-supported construction work has yet to

commence. The implementation of the earlier agreed plan remained disputed and conditioned upon the signing of a memorandum of understanding delineating the administrative boundaries of cadastral areas in the neighbourhoods of Suvi Do/Suhadoll and Kroi i Vitakut/Brđani. Efforts by the Kosovo authorities and European Union officials to facilitate a compromise between the mayors of North and South Mitrovica have yet to yield results.

VII. Rule of law and human rights

29. On 14 June, the Council of the European Union extended the mandate of EULEX until 14 June 2018, pursuant to a formal exchange of letters between the President of Kosovo and the High Representative of the European Union. The Assembly of Kosovo subsequently endorsed two draft laws codifying the updated EULEX mandate.

30. Efforts to tackle organized crime and corruption in Kosovo yielded some positive results. On 9 June, the Kosovo police, together with Kosovo customs, the tax administration and Pristina municipal inspectors, conducted a search of 11 gambling premises on suspicion of tax evasion and organizing pyramid schemes; they arrested two individuals and shut down all 11 premises. On 18 May, the Special Prosecution Office of Kosovo indicted 14 defendants in the "Kristal" case for organized crime, money-laundering and unauthorized possession of weapons and for acting as an organized criminal group. On 19 May, 20 others were charged with organized crime and selling European Union Schengen visas obtained illegally. On 5 and 6 May in Ferizaj/Uroševac, Kosovo police arrested nine suspects on charges of organized crime. On 27 April in Pristina, a Kosovo police/EULEX joint operation targeting a multi-ethnic organized crime structure linked to illegal property privatization led to the arrest of seven suspects and, subsequently, to the surrender of a ruling party lawmaker, Azem Syla.

31. On 17 June, the Kosovo Minister of Environment and Spatial Planning, Ferid Agani (Justice Party), formally asked the Prime Minister to release him from his duties pending the outcome of criminal proceedings regarding his alleged abuse of authority while serving as Minister of Health. Agani served in the government on the basis of a pre-electoral coalition agreement between his party and the ruling Democratic Party of Kosovo.

32. Public confidence in rule of law institutions continued to decline: in the Public Pulse perception survey conducted by the United Nations Development Programme (UNDP) and the United States Agency for International Development and published in May, less than 20 per cent of respondents expressed confidence in the judiciary and the courts.

33. The Kosovo Specialist Chambers and the Special Prosecutor's Office, which were established by Kosovo law in 2015 in response to a report on inhuman treatment of people and illicit trafficking in human organs in Kosovo prepared by the Committee on Legal Affairs of the Parliamentary Assembly of the Council of Europe in December 2010, are not yet fully functional.

34. Although multiple figures are in circulation, according to the Kosovo Ministry of the Interior, as at 27 May, 385 persons have travelled from Kosovo to the Syrian Arab Republic and Iraq since 2012. Of these, 57 have been killed. Approximately

140 individuals remain in conflict zones, including 44 women and 29 children. The Kosovo authorities further stated that, since September 2015, no Kosovo citizen has been reported as having joined the conflict. According to the Ministry of Internal Affairs, the prosecution has filed 199 criminal charges and 70 indictments; 34 persons have been convicted and sentenced for fighting in conflicts abroad.

35. On 20 May, the Basic Court in Ferizaj/Uroševac sentenced an imam to 10 years' imprisonment for recruiting Kosovars for Islamic State in Iraq and the Levant (ISIL) and inciting hatred. Six other suspects were sentenced in the same case. On 6 May in Gjilan/Gnjilane, two suspects were indicted for participating in terrorist activities with the Nusrah Front in the Syrian Arab Republic; on 10 May in Gjakovë/Đakovica, a third suspect was arrested on the same charges. On 29 April, the Basic Court in Pristina convicted nine persons on terrorism charges for association with ISIL.

36. On 25 May, the Assembly of Kosovo adopted the Law on the Prevention of Money-Laundering and Terrorist Financing with an accelerated procedure. This law is intended to provide the legal framework for eradicating terrorist cells in Kosovo. However, concerns have been expressed, including by EULEX, that the law is not in compliance with European Union norms.

37. The International Committee of the Red Cross (ICRC) indicated that the number of missing persons currently stands at 1,663. Two cases were reported resolved during the reporting period. On 26 April 2016, the Governmental Commission on Missing Persons held a round table on "Challenges for the families of missing persons". The event brought together families of missing persons, representatives of line ministries, the Committee on Human Rights of the Assembly of Kosovo and UNMIK. Several key recommendations were adopted, including the need to resume assessing potential mass grave sites in Kosovo and an appeal for the Kosovo judiciary to adequately address cases of war crimes.

38. Increased border control measures intended to stem the mixed migration flow have greatly reduced the numbers transiting the Balkan countries en route to European Union member States, but have not fully halted the movement of persons. Migrants and refugees continue to seek passage to the European Union, either through facilitated passage across otherwise closed borders, or by exploring alternative routes. UNHCR estimates that 2,300 migrants/refugees are currently in Serbia, of whom approximately 1,300 are gathered at the Serbia-Hungary border.

39. As recommended by the UNMIK-chaired International Human Rights Working Group, the Government announced its intention to establish an inter-ministerial coordination group on human rights, to strengthen human rights coordination between ministries and relevant institutions and to create a common platform to discuss human rights concerns. The Group would be chaired by the Prime Minister, and include line ministers, the Ombudsperson and civil society representatives.

40. With the aim of improving the economic rights of women, the Agency for Gender Equality, in cooperation with the Kosovo Cadastral Agency, on 15 June issued an instruction exempting spouses from paying registration fees when registering their property jointly. This initiative is expected to improve the property rights of women and to contribute to women's economic security and empowerment.

41. On 24 May, Kosovo's coordinator for protection against domestic violence announced a new five-year strategy against domestic violence (2016-2020), which

would be accompanied by a specific budgetary allocation to support its implementation.

42. On 19 May, Kosovo lawmakers, at committee level, approved the draft law on the rights and status of paraplegic and quadriplegic persons, which is expected to be presented to the Assembly at the session held in the latter part of the year. Also in May, the Government established a Committee for the Prevention and Elimination of Child Labour, and approved a draft law on child protection.

43. By the end of June 2016, the UNMIK Human Rights Advisory Panel had closed all 527 cases of which it had been seized and was set to present its final report by midsummer. Since my previous report, no progress has been made with regard to the Panel's recommendations concerning the payment of adequate compensation, including for moral damages arising from alleged violations by UNMIK.

VIII. Partnerships and cooperation

44. Within the framework of the continuing engagement of UNMIK with representatives of the Security Council as well as other key stakeholders, my Special Representative visited Washington, Moscow and London in May and June, to exchange views on the situation in Kosovo and to brief on strategic issues related to the Mission's engagement and activities in promoting, among others, reconciliation, transitional justice, human rights and support to the normalization process between Belgrade and Pristina. They also exchanged views on regional developments. In the same context, the Assistant Secretary-General for Peacekeeping Operations, accompanied by my Special Representative, met with political leaders and the diplomatic community in Belgrade and Pristina, which also presented an opportunity to discuss the future plans and priorities of the Mission.

45. UNMIK continued to provide document-certification services, primarily certifying civil status, academic and pension documents at the request of non-recognizing States. A total of 390 such documents were processed between 16 April and 15 July. The Mission also continued to facilitate communications between the Kosovo authorities and the International Criminal Police Organization (INTERPOL) and its member States. UNMIK received 28 requests seeking the issuance of international wanted notices, while 14 INTERPOL "red notices" were issued. UNMIK also processed 17 "red notices", facilitated six extraditions, inserted 959 Kosovo passports into the INTERPOL stolen and lost travel document database, forwarded 197 DNA verification requests to Kosovo police authorities, and verified 535 persons from 57 different countries who applied for a Kosovo visa. Finally, UNMIK also processed 26 new requests and 86 case-related letters on the basis of requests of the Kosovo police and the Serbian Ministry of the Interior regarding verification of documents and assistance in criminal investigations.

46. Representatives of Kosovo authorities and civil society participated in the Western Balkans launch of the Secretary-General's guidance note on reparations for conflict-related sexual violence, held in Bosnia and Herzegovina on 9 and 10 June and organized by UN-Women, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Organization for Migration. The launch was a platform for practitioners from the region to share experiences and best practices, and to ensure the implementation of the guidance note.

47. In the framework of the guidance presented in the report of the High-level Independent Panel on Peace Operations (A/70/95-S/2015/446) regarding the use of programmatic funding, UNMIK has provided operational assistance, including specialist equipment, to law enforcement and judicial entities in Kosovo. These projects have been implemented in close cooperation with institutional partners, including UNDP, the United Nations Office for Project Services, OHCHR, UNICEF and non-governmental organizations.

48. On 8 June, UNMIK participated in a working session of the Joint Working Group on Missing Persons, organized by ICRC. The Pristina and Belgrade delegations of the Joint Working Group agreed to increase the exchange of information on concrete cases and to organize more frequent ad hoc operational meetings.

IX. Observations

49. Continuing risks and challenges, as outlined in this report, require sustained effort and effective leadership to manage. I remain concerned about the unevenness of serious political attention being devoted to the most essential issues, and about the tendency for party politicking to override consideration of longer-term priority objectives.

50. Slowed progress in advancing Kosovo's European perspectives, including the European Union-facilitated dialogue between Belgrade and Pristina, and unfavourable economic conditions, are clearly contributing to public disillusionment. Belgrade and Pristina have divergent views on how to address the problems and concerns of their constituencies in order to move forward at a better pace. Yet each has also reaffirmed its commitment to re-engage. I call upon political leaders in Belgrade and Pristina not only to resume their engagement in the near future as planned, but to show renewed creativity, flexibility and readiness for compromise in order to ensure faster delivery of this process for the benefit of all concerned, and to decisively anchor Kosovo and the broader region on a path of stability and development.

51. Political dynamics between authorities and opposition parties in Pristina continued to be frayed, and are in need of more functional and trust-based lines of communication and dialogue. Political relations at all levels, including at the municipal level, are inevitably influenced by the behaviour of elected representatives at the centre, who have to lead by example.

52. Consolidating democratic gains and the rule of law in Kosovo and the region remains key, and visionary leadership is needed to deepen efforts in that regard. As expectations have been raised concerning the Specialist Chambers and the Special Prosecutor's Office, it is vital that these bodies become operational at the earliest opportunity.

53. The safe and sustainable return of refugees and internally displaced persons needs to be put back in focus by leaders on all sides. The rights of those who wish to return to their places of origin should be met, without which the prospects for durable reconciliation will remain dim. It cannot be emphasized enough that potential returnees do not always feel safe or confident to return, and that receiving communities can be wary. Even small, isolated events can resonate deeply for those considering a return. The drivers behind anxieties and animosities must be

addressed more forthrightly, and this also demands both political strength and responsibility on the part of leaders.

54. As evidenced in this report, the Western Balkans retain their strong perspective as a part of Europe. European Union leaders have reconfirmed their fundamental commitments to supporting further integration of the Western Balkans. The recent European Union Western Balkans Summit served as a reaffirmation thereof, and as an acknowledgement of the new challenges that have emerged in the region, including the fight against terrorism and radicalization. Violent extremism presents a concern in Kosovo and the broader Western Balkans, as it does globally. To face this challenge, law enforcement measures should go hand in hand with a longer-term development approach to ensure sustainable change.

55. The phenomenon of migration through the region towards European Union countries continues to merit close attention and constructive engagement. Enhanced border controls intended to stem the migration flow have exacerbated humanitarian concerns.

56. None of the issues outlined in this report can or should be handled in isolation. The United Nations, including UNMIK, will continue to support efforts to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo and to advance regional stability in the Western Balkans.

57. I thank my Special Representative, Zahir Tanin, and all Mission personnel for their continued dedication and service. I also appreciate the work of all members of the United Nations system and the Mission's international partners on the ground, including KFOR, EULEX, OSCE and the European Union, for their valuable contributions to our shared work towards peace and progress in Kosovo and the entire region.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo from 16 April to 15 July 2016

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued its monitoring, mentoring and advising activities, and to implement its executive functions in line with its rule of law mandate. Following the decision of the Council of the European Union and an exchange of letters between President Hashim Thaçi and the European Union High Representative, Federica Mogherini, EULEX will continue its work in line with the new mandate until 14 June 2018. Through its executive function, the Mission will support the prosecution and adjudication of selected criminal cases as well as the adjudication of constitutional and privatization and property-related civil cases. At the same time, EULEX cases will be continually assessed with a view to requalifying them as joint cases in order to increasingly engage Kosovo judicial, prosecutorial and investigating authorities to build Kosovo capacities in these areas.

A number of verdicts were pronounced in cases concerning war crimes, organized crime, corruption and other serious crimes. The Court of Appeals for instance affirmed the judgment in the "Klecka" high profile war crimes case of the Pristina Basic Court of 17 September 2013, acquitting all defendants, and the Mitrovica Basic Court found a former Member of Parliament guilty of murder.

The Mission continued to advise the Kosovo police in response to the planning and execution of providing security to events, such as the Serbian Orthodox Church synod and the annual Vidovdan/St. Vitus' Day commemoration. The Mission worked with the Kosovo Border Police and Customs, and their joint operations demonstrate a significant improvement in the working practice. EULEX continued its support to the Kosovo Judicial and Prosecutorial Councils, to address remaining concerns.

In the framework of the European Union-facilitated dialogue between Belgrade and Pristina there was progress in the integration of former Serbian Ministry of the Interior administrative staff in the Civil Registry Agency in the northern municipalities, and in the integration of the remaining former civil protection staff in different Kosovo ministries. On the integration of the judiciary, the integration for support staff positions is well advanced and the panels for the integration of judges and prosecutors are being appointed.

2. EULEX activities

2.1 Executive

War crimes

In May, a panel of one local judge and two EULEX judges at the Court of Appeals finalized a judgment in the "Klecka" war crimes case against 10 defendants.

It rejected as unfounded the appeal of the Kosovo Special Prosecution Office and affirmed the judgment of the Pristina Basic Court of 17 September 2013, acquitting all defendants.

In May, a panel of one local judge and two EULEX judges at the Court of Appeals rendered a judgment against four defendants in a war crimes case, related to the charges of torture and rape in Vaganicë/Vaganica and Likoc/Likovac in 1998-1999. The Court of Appeals partially granted the appeal of the Kosovo Special Prosecution Office against the judgment of the Mitrovica Basic Court of 29 May 2014, which had acquitted all defendants. The judgment in relation to two defendants was annulled and returned for retrial. The verdict regarding one defendant was confirmed on one count while it was annulled on another and returned for retrial. The judgment of a fourth defendant was upheld in its entirety.

Organized crime and corruption

On 14 April, a panel of one local judge and two EULEX judges at the Prizren Basic Court announced the judgment against eight defendants in the "PINK II" case, related to organized crime, smuggling of migrants and money-laundering. Six defendants were sentenced to imprisonment, ranging from two years and three months to seven years and three months. Two other defendants received suspended sentences of one and two years of imprisonment, respectively.

On 27 April, a joint Kosovo police and EULEX operation with 220 Kosovo police officers and 130 EULEX staff members was conducted, leading to the search of 47 premises and arrests of eight suspects. On 27 May, detention on remand was extended for three months against all eight defendants. The case relates to large-scale usurpation of socially owned properties.

In April, a panel of one local judge and two EULEX judges at the Court of Appeals finalized a judgment by granting the appeal of the Kosovo Special Prosecution Office against the ruling of 30 December 2015 of the Pristina Basic Court in the "Apex" organized crime case. The Basic Court had dismissed the indictment as belated as it was filed after the two-year statutory limitation for investigation. The Court of Appeals annulled the ruling and returned the case for consideration and decision on the merit of the indictment. On 4 May, a presiding EULEX judge at the Pristina Basic Court approved a request by the defence to postpone the trial until the Supreme Court has decided on the defence's request for protection of legality.

On 18 May, a EULEX prosecutor at the Kosovo Special Prosecution Office filed an indictment in the "Grande" case against 20 defendants, charged with migrant smuggling as well as unauthorized ownership, control or possession of weapons. The case relates to illegal acquisition and sale of European Union Schengen visas.

In May, a panel of one local judge and two EULEX judges at the Court of Appeals passed a judgment against 10 defendants in the "Land" case, related to the issuance of unlawful judicial decisions as well as assistance in and incitement to the issuance of unlawful judicial decisions in 2006/07 in connection with socially owned land. The panel granted the appeals of five defendants and acquitted them. The appeals of the remaining five defendants were partially granted, but their convictions were upheld.

Other serious crimes

On 19 April, a panel of one local judge and two EULEX judges at the Supreme Court delivered a judgment in the "Dobrosin Group" case against 10 defendants, charged with commission of terrorism, organization of and participation in a terrorist group as well as unauthorized possession, supply and sale of weapons. The Supreme Court annulled the judgments of the Gjilan/Gnjilane Basic Court and the Court of Appeals, both of which had convicted the defendants, and returned the case to the Gjilan/Gnjilane Basic Court for retrial. The case relates to a series of attacks in 2012 against a Serbian police checkpoint in the village of Dobrosin, near the Končulj/Dheu i Bardhë crossing point.

On 21 April, a panel of one local judge and two EULEX judges at the Prizren Basic Court announced the verdict in the retrial against five defendants in the *Emin Krasniqi et al.* case, related, inter alia, to aggravated murder, grievous bodily harm and unauthorized ownership, possession and control of firearms. Four defendants received aggregated prison sentences of 22 years, eight years, five years and one year, while one defendant was acquitted. The case pertains to an altercation in the village of Banjë/Banja (Malishevë/Mališevo municipality) in January 2011, resulting in the death of one person and injuries to several others.

On 29 April, a panel of one local judge and two EULEX judges at the Court of Appeals annulled the judgment of the Mitrovica Basic Court of 20 April 2015, which had acquitted two defendants in the "Zymberi" case, and returned the case for retrial. The case relates to the murder of a Kosovo police officer in an attack on a police convoy in Zubin Potok in 2011.

On 17 May, a panel of one local judge and two EULEX judges at the Pristina Basic Court passed judgment in the "Sekiraqa" case. The defendant was found guilty of incitement to aggravated murder (killing of a Kosovo police officer in 2007) and extortion, and sentenced to 37 years of imprisonment.

On 3 June, a panel of EULEX judges at the Mitrovica Basic Court rendered a verdict in the criminal case against a former Member of Parliament, Gani Geci. The accused was found guilty of murder and unauthorized ownership, control or possession of a weapon and sentenced to four years and six months of imprisonment. The case relates to the killing of a former member of the Kosovo Liberation Army in Skenderaj/Srbica in 2014.

On 30 June, a panel of EULEX judges at the Mitrovica Basic Court announced the verdict in the "Goxhuli" case against two defendants. One defendant was found guilty of aggravated attempted murder, murder and unlawful possession of weapons and sentenced to an aggregate punishment of 14 years and six months of imprisonment. Another defendant received an aggregate punishment of 10 years and six months of imprisonment for murder and unlawful possession of weapons.

Specialist Chambers

After the appointment of the Registrar early in April, work has been ongoing to build the capacity of the Specialist Chambers with the release of a call for contributions for Registry and Specialist Prosecutor's Office staff, as well as a call for nominations for the President of the Specialist Chambers and for the roster of international judges of the Specialist Chambers. The Registrar adopted staff rules, a

staff code of conduct, and several internal administrative documents, and began issuing contracts.

On 14 June 2016, the Council of the European Union adopted decision (CFSP) 2016/947, providing for the budget envisaged to cover the support to the relocated proceedings in the host State and for the implementation of that budget.

The Specialist Chambers continued working closely with the host State authorities to ensure timely completion of renovation of the future premises to conduct trial activities.

The Specialist Chambers provided a briefing to the ambassadors of European Union member States at the future premises in The Hague, as well as to Ambassadors to Kosovo of European Union member States and contributing States during the Registrar's first visit to Kosovo.

Allegations found in the report by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe

The Special Investigative Task Force was established in 2011 to conduct a criminal investigation into the allegations contained in the Council of Europe report from January 2011, authored by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe, Dick Marty. The investigation conducted by the Special Investigative Task Force continues to focus on the individual criminal liability of those most responsible for the claims made in the report.

The work of the Special Investigative Task Force with individuals, injured parties and victim advocacy groups continues in order to gather evidence and information relevant to the investigation. While cooperation with judicial and law enforcement authorities in the region and beyond is ongoing and remains satisfactory, the Special Investigative Task Force looks forward to sustained cooperation from all parties as operational and investigative activities move forward.

Progress has been made in the establishment of the Specialist Chambers and the Specialist Prosecutor's Office since April. It is important to complete the steps that still need to be taken in order for these institutions to be fully functional and operational, according to the best international standards. The Lead Prosecutor, David Schwendiman, reiterated his commitment to pursue an independent and impartial investigation, guided only by the law, and to achieve outcomes that are legitimate and perceived as legitimate by those affected.

Institute of Forensic Medicine

In April, the Law on Forensic Medicine entered into force, transforming the Kosovo Department of Forensic Medicine into the Kosovo Institute of Forensic Medicine. EULEX forensic experts, local staff members of the Kosovo Institute of Forensic Medicine, and a representative from Serbia continued the site assessment at Kiževak in the Rudnica mining complex in Serbia. On 19 May, the site assessment was suspended until financial issues were resolved. Site assessments were also conducted in Oshlan/Ošljane, Zhegër/Žegra, Novobërdë/Novo Brdo and Skenderaj/Srbica municipality. The Institute of Forensic Medicine handed over the remains of two individuals and 21 sets of re-associated remains to the respective families.

Property rights

During the reporting period, the Kosovo Property Agency Appeals Panel received 33 new appeals and adjudicated 33 appeals, while 416 appeals are pending a decision of the panel.

The Special Chamber of the Supreme Court for privatization matters rendered 583 decisions in first-instance trial panel cases and finalized 48 cases at the appellate panel level.

2.2 Strengthening

In April, Kosovo Customs carried out several joint operations with Kosovo police, targeting organized crime groups, which resulted in over 20 arrests and the seizure of 7.5 million cigarettes, 200 kg of tobacco, over 150 illegal gaming machines, and a number of vehicles and firearms. In addition, several customs officers were suspended and are awaiting the result of investigations. These joint operations demonstrate a major improvement in inter-agency cooperation in the fight against cross-border and organized crime. EULEX continues to advise Kosovo customs on improving customs compliance and enforcement capabilities.

In May, after a EULEX assessment of the gender balance of law enforcement staff deployed in the field (not in headquarters), the Mission organized three workshops for female Kosovo Customs and Kosovo Border Police officers focusing on problems that women officers face as they apply for field positions and identifying strategies to overcome those challenges. Several areas of concern and suggestions on how to address these were identified that will be brought forward by the Mission to Kosovo Border Police and Kosovo Customs senior management with the aim of increasing female representation, improving gender balance and promoting the role of women as actors within Kosovo's law enforcement authorities.

Building on the good cooperation with the Ministry of Internal Affairs regarding integrated border management, EULEX worked with the integrated border management Coordinator to identify ways to increase the operational effectiveness of the National Centre for Border Management.

The drafting of regulations foreseen in the amended package of laws on the judiciary did not significantly progress, despite the decision of the Kosovo Judicial Council to release the judges, who are part of the Normative Committee, from their judicial duties for May and June in order to accelerate the drafting process. The mandates of two members of the Committee expired on 3 June, potentially leading to further delays in the adoption of regulations. Despite support from the Mission, no significant progress was made by the Kosovo Prosecutorial Council in the drafting process for the regulations foreseen in the amended package of laws. EULEX monitored the recruitment procedures for prosecutors at different levels. In particular, the ongoing recruitment surge for 22 vacancies at the basic prosecution level, which for the first time included several written examinations, has thus far been conducted efficiently and professionally.

EULEX continues to advise the Correctional Service on remedies for the issue of preferential treatment of high-profile prisoners, which continues to be of concern. Following an increasing trend among prisoners to inflict injuries on themselves, EULEX advised Kosovo Correctional Service to analyse whether these cases are related to genuine mental health issues or are used as a tool for prisoners to get their

demands granted. As a result, the Correctional Service set up a multidisciplinary analysis team comprising staff from central level, a psychologist, a social worker, and EULEX representatives.

In May, the Mission provided advice to Kosovo police during the planning and execution of their operational plan for the first Serbian Orthodox Church synod held in Kosovo since the conflict. This event included the reopening of the renovated seminary in Prizren. In addition to 45 bishops and over 100 clerics, around 500 pilgrims attended liturgical portions of the synod. EULEX assessed the Kosovo police's performance as adequate and professional. The Patriarch extended his compliments to Kosovo police for a job well done. Similarly, the Mission provided advice to Kosovo police during the planning and execution of their operational plan for the annual Vidovdan/St. Vitus' Day commemoration on 28 June. For the first time, Kosovo police were given the lead for the preparations, chairing meetings with all relevant stakeholders. The Mission assessed their performance as well planned and professionally implemented. There were two security incidents in Mitrovica South following the main events: two Molotov cocktails were thrown at a convoy being escorted back from the Gazimestan monument by Kosovo police. No vehicle was hit and nobody was injured. In the second incident, two persons sustained slight injuries when their unescorted minivan was hit by stones.

The Mission continued to advise Kosovo police on adequate minority and gender representation, and the inclusion of diversity, gender and ethnic equality in their new human resources strategy is a positive development. While the representation of minorities has reached a satisfactory level, the representation of women in active police duties remains low. EULEX also supported the development of an awareness-raising project for youth about religious extremism and radicalism, pro-actively initiated by the Kosovo Police Regional Director of Ferizaj/Uroševac region as part of enhanced community policing efforts.

As one of the main stakeholders in a capacity-building project funded by UNDP and the European Union Office, EULEX supports the Kosovo police Religious and Cultural Heritage Unit in its efforts to increase capacities and capabilities in the protection of cultural heritage sites in selected municipalities. The Mission met with mayors and religious representatives to assess the equipment needs of the unit.

2.3 Northern Kosovo

The situation remained calm overall, with only few notable incidents. On 26 April, a former mayor and local representative of a Serbian political party reported that he had found an unexploded hand grenade near his house in Zubin Potok. On 12 June, unknown suspects threw a hand grenade towards a Kosovo police traffic checkpoint in Mitrovica North, injuring one officer and damaging one police and several civilian vehicles. On 5 July, for the first time since 1999, around 150 Muslim believers gathered for an open morning prayer in the Bosniak Mahalla neighbourhood in Mitrovica North.

EULEX continued to exercise its executive judicial functions. On 18 April, one EULEX judge and two lay judges (Kosovo Serb and Kosovo Albanian), acting as a juvenile panel at Mitrovica Basic Court, announced the enacting clause of the ruling against six Kosovo Albanian juvenile defendants in a case relating to an attempted murder (the stabbing of a Kosovo Serb juvenile near the main bridge in Mitrovica in April 2015).

The Mission, through advice and training, continued to support the Kosovo police response to inter-ethnic crimes and implementation of the intelligence-led policing concept in northern Kosovo. EULEX advised the Regional Police Directorate Mitrovica North on how to improve information collection and evaluation at the police stations. The Mission gave guidance to station commanders on ways to enhance community policing by improving the functioning of the local public safety committees in northern Kosovo.

On 11 June, two brothers were injured, one fatally, by firearms outside a nightclub in Zvečan/Zveçan. After the shooting, the Regional Police Directorate Mitrovica North responded with proactive policing, targeting illegal possession of weapons and drugs. Following discussions with the local authorities and with the support of EULEX, Kosovo police adopted an operational plan to enforce new municipal assembly decisions on regulations for bars and nightclub opening hours.

EULEX provided advice to the Regional Police Directorate Mitrovica North, which in cooperation with the Privatization Agency of Kosovo, addressed the sensitive issue of business property claims in Mitrovica North.

On 13 June, Kosovo Border Police, Kosovo Customs and EULEX also launched regular joint patrols along the green boundary/border in the municipality of Zubin Potok in addition to the other northern municipalities.

2.4 Dialogue implementation

A meeting in Brussels on 18 and 19 April dealt with the issue of ADR (European Agreement concerning the International Carriage of Dangerous Goods by Road) certificates. With European Union facilitation, Pristina and Belgrade reached an agreement allowing unhindered passage of dangerous goods from 25 April onward.

There was progress in the implementation of the agreement on the integration of the judiciary within the framework of the European Union-facilitated dialogue between Pristina and Belgrade. On 29 April, the vacancy announcements issued in the process of the integration of the judiciary closed. In June, the interviews for support staff positions were finalized. In total, 198 interviews for 149 positions Kosovo-wide were conducted. Final results are expected to be announced after the judges and prosecutors have been selected.

The selection panel, of which EULEX is part, for the integration of former Serbian Ministry of the Interior administrative staff who were not integrated in 2013/14, selected 32 candidates for positions in the Civil Registry Agency (in the centres for vehicle registration and for issuance of documents) in the four northern municipalities.

On 12 July, the remaining former civil protection staff members in the Contingency Fund were appointed as civil servants in 23 different Kosovo institutions.

A cooperation agreement establishing online data exchange between the Civil Registry Agency and several law enforcement agencies has been in place since October 2015. EULEX continued testing the functionality of data exchange in the Agency's software. The Mission continued to support the Agency in creating a sustainable civil registry system, with a particular view to the digitalization of the certified copies of civil registry books. EULEX gave several recommendations on how to improve procedures for entering data for birth and marriage certificates.

3. Other key issues

On 14 June 2016, the appointment of the Head of Mission, Mr. Gabriele Meucci, ended.

On 20 July 2016, Ms. Alexandra Papadopoulou was appointed as Head of Mission.

Annex II

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 July 2016)

Country	*Number*
Austria	1
Bulgaria	1
Germany	1
Hungary	1
Italy	1
Russian Federation	1
Turkey	1
Ukraine	1
Total	**8**

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 July 2016)

Country	*Number*
Czech Republic	2
Poland	1
Republic of Moldova	1
Romania	1
Turkey	1
Ukraine	2
Total	**8**

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Department of Field Support
Geospatial Information Section (formerly Cartographic Section)